

1. This is the Appellant's application is for injunction against the Respondents from interfering with the possession of the Appellants in respect of the suit premises which is Survey No.247, Hissa No.3 and 4. The Appellant's suit has been dismissed. This Appeal has been admitted. Pending the suit an interim order of injunction was passed in the Notice of Motion taken out by the Appellants herein. There was A.O filed therefrom. The A.O was dismissed on 8<sup>th</sup> April,

1994 with an observation inter alia that there was no substance in that Appeal. The injunction granted by the Bombay City Civil Court was confirmed. That injunction continued in the Suit until the Suit was dismissed. Thereafter the injunction has been granted in this Appeal. That injunction continued from time to time. However that injunction is not continued until today.

2. There was another Suit filed by the Respondents herein being Suit No.8098 of 1995 in the Bombay City Civil Court. In paragraph 3 of that Suit the Respondents herein made an averment that the Appellants herein were the owners of the land under Survey No.247, Hissa Nos.3 and 4. They claimed relief only in respect of the adjoining land being Survey No.247, Hissa No.2 which was the Suit property in that Suit.
3. In view of these facts the injunction claimed in this Civil Application is required to be granted.
4. Civil Application is made absolute in terms of prayer clause (a).
5. The Respondents apply for directions to allow them to cultivate the suit property. That would tantamount to putting the Respondents in possession. That would be

directly against the injunction claimed in prayer clause (a) of the Civil Application.

6. Hence the Respondents' oral application is rejected.

**(SMT. ROSHAN DALVI, J.)**